

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

No. 424

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Introduced by Assembly Member Torres

February 23, 2009

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An act to add Section 22761 to the Business and Professions Code, and to add Section 53115.4 to the Government Code, ~~relating to telephones: all services.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 424, as amended, Torres. ~~Telephone sales:~~ *Mobile radio service: 911 services:* disclosures.

**Existing**

(1) *Existing* law makes it unlawful to sell any cordless telephone manufactured after January 1, 1992, that does not provide increased protection from unintentional line seizure and dialing, and protection from unintentional ringing. Existing law also requires sellers of specified telephone equipment to disclose whether the equipment employs pulse, tone, pulse-or-tone, or other signaling methods, and to provide a general description of the services it can or cannot access.

~~This bill would require sellers of wireless telephone handsets within the state to disclose, orally and in writing, whether the handsets provide Enhanced 911 requirements, as specified by the Federal Communications Commission.~~

*This bill would require any person providing commercial mobile radio service to disclose, orally and in writing, whether the service includes Phase I enhanced 911 service and Phase II enhanced 911 service as specified by the Federal Communications Commission. The bill would also require any person providing handsets not capable of*

*providing these services, to undertake a public education campaign regarding the limitation of these handsets, as specified.*

*(2) Under existing law, the State 911 Advisory Board advises the Telecommunications Division of the Department of General Services on various subjects, including, but not limited to, policies, practices, and procedures for the California 911 Emergency Communications Office and training standards for county coordinators and Public Safety Answering Point managers.*

*This bill would require the State 911 Advisory Board to assist the Telecommunications Division in developing a public education campaign to instruct the public on appropriate and inappropriate uses of the 911 system, and to recommend to the Telecommunications Division how to incorporate the campaign into specified plans and funds.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 22761 is added to the Business and  
2 Professions Code, to read:  
3 22761. (a) Any person ~~selling a wireless telephone handset~~  
4 *providing commercial mobile radio service* within this state shall  
5 prominently disclose whether the handset ~~provides E911, including~~  
6 ~~specifically whether the handset provides automatic location~~  
7 ~~identification for an emergency call and a dialable callback number~~  
8 ~~for an emergency response, as provided by the Federal~~  
9 ~~Communications Commission in the Third Report and Order in~~  
10 ~~Docket 94-102, FCC 99-245, September 15, 1999. service includes~~  
11 *Phase I enhanced 911 service and Phase II enhanced 911 service*  
12 *as specified by the Federal Communications Commission in Section*  
13 *20.18 of Title 47 of the Code of Federal Regulations, including*  
14 *any disclaimers with respect to these services contained in the*  
15 *provider's service or sales agreement. The disclosure shall be*  
16 *made both orally and in writing as part of the sales communication,*  
17 *and in the same language as the sales communication.*  
18 ~~(b) As used in this section, "E911" means the Enhanced 911~~  
19 ~~requirements as established by the Federal Communications~~  
20 ~~Commission in Docket 94-102 and subsequent dockets. E911~~  
21 ~~specifically includes the capability to provide automatic location~~

1 ~~identification to the public safety answering point, as established~~  
2 ~~by Phase II of that docket, and the provision of a dialable callback~~  
3 ~~number, as established by Phase I of that docket.~~

4 (b) Any person that provides a nonservice initialized handset  
5 or a 911-only handset as defined in Section 20.18(k)(3) of Title 47  
6 of the Code of Federal Regulations, where the handset is not  
7 capable of providing Phase I or Phase II enhanced 911 service,  
8 shall undertake a public education campaign regarding the  
9 limitation of these handsets, in the same language as the sales  
10 communication.

11 (c) The purpose and form of the public education campaign  
12 shall be to assist the users of commercial mobile radio service to  
13 make effective use of 911 by supplying information about the  
14 capability of the phone service they are receiving.

15 SEC. 2. Section 53115.4 is added to the Government Code, to  
16 read:

17 53115.4. The State 911 Advisory Board shall assist the  
18 Telecommunications Division of the Department of General  
19 Services in developing a public education campaign to instruct  
20 the public on appropriate and inappropriate uses of the 911 system,  
21 and the advisory board shall recommend to the  
22 Telecommunications Division how to incorporate the campaign  
23 into the plans which the division approves pursuant to Section  
24 53115 or how to incorporate the campaign into the funds described  
25 in Sections 41030 and 41136 of the Revenue and Taxation Code.  
26 The public education campaign may include:

27 (a) Education programs useful for helping members of the public  
28 to distinguish emergencies which require a call to 911 from  
29 nonemergencies that can be handled through other types of  
30 requests for information or response.

31 (b) Education programs for members of the public who are 911  
32 callers about information they can provide to assist the 911 relay  
33 operator or dispatcher, including, but not limited to, a calling  
34 number, caller location, or a brief description of the emergency.

35 (c) Education programs aimed specifically at informing  
36 schoolage children about appropriate and inappropriate uses of  
37 911.

38 (d) Education and information protocols for first responders  
39 who receive calls relayed by the 911 dispatchers to enable them  
40 to respond appropriately to 911 calls.

- 1     (e) *Any other matters that the advisory board recommends.*

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